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7 United States of America
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,)
13 Plaintiff,)
14 v.)
15 RUSSELL E. BROWN,)
16 Defendant.)

Criminal No. 01CR7017-H-ALL
01MC0349

EX PARTE PETITION FOR
REMISSION OF FINE
AND ORDER THEREON

17 The United States of America, by its undersigned attorneys, petitions this Court pursuant to
18 18 U.S.C. § 3573 for remission of the fine imposed in this case.
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20 STATEMENT OF FACTS

21 1. In May 2001, jurisdiction of the supervised release of the above defendant, Russell
22 Edward Brown, was transferred from the Eastern District of California to the Southern District of
23 California.

24 2. The district court in the Eastern District of California had ordered the defendant to pay a
25 \$15,000 fine, in addition to a period of incarceration and supervised release.

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28 KWC:2002Z00427/sp

FILED

06 SEP 25 AM 10:30

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY 

DEPUTY



1 3. The United States Attorney for the Southern District of California now has the
2 responsibility to collect the fine from the defendant.

3 4. On September 13, 2006, the United States Attorney's Financial Litigation Unit staff
4 verified by computer database the defendant is deceased.

5 5. All credit and asset searches have been to no avail.

6 6. The United States Attorney has been unable to collect the fine.

7 7. 18 U.S.C. § 3573 provides that:

8 Upon petition of the Government showing that reasonable efforts to collect
9 the fine or assessment are not likely to be effective, the court may in the interest of
justice -

10 1) remit all or part of the unpaid portion of the fine or special assessment, including
11 interest and penalties

12 18 U.S.C. § 3573(1).

13 6. The United States Attorney has determined that there is no reasonable likelihood that
14 expending further efforts to collect this fine would produce any revenue to the United States. Any
15 further effort would, in fact, be contrary to the interests of the United States because they would
16 needlessly expend resources that could be better directed to areas with greater potential for recovery.

17 THEREFORE, the United States Attorney petitions this Court for an order pursuant to 18
18 U.S.C. § 3573, remitting the fine.

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1 STATEMENT OF ACCOUNT:

2 Fine \$15,000.00
3 Payments: \$ 7,229.24

4 **TOTAL DUE** \$ 7,770.76

5 DATED: 9/19/06

CAROL C. LAM
United States Attorney

7 *Kathleen W Clark*
8 KATHLEEN W. CLARK
9 Assistant U.S. Attorney

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11 ORDER

12 IT IS SO ORDERED.

13 DATED: 9/22/06

14 *Marilyn L. Huff*
15 Judge of the District Court
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